

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED

MITCHELL D. OSBORNE,

Petitioner-Appellant,

v.

UNITED STATES OF AMERICA,

Respondent-Appellee.

ORDER

2004 DEC -6 A 10: 09

U.S. DISTRICT COURT
EASTERN DIST. TENN.

BY _____ DEPT. CLERK

FILED

DEC - 2 2004

LEONARD GREEN, Clerk

Before: SILER, SUTTON, and FARRIS,* Circuit Judges.

Mitchell D. Osborne petitions the court to rehear its September 13, 2004, order that denied him a certificate of appealability in this appeal taken from a district court judgment that denied his motion to vacate sentence filed under 28 U.S.C. § 2255.

Upon consideration, we conclude that Osborne has not shown a misapprehension of law or fact that warrants a rehearing. *See* Fed. R. App. P. 40(a). Accordingly, the petition for a rehearing is denied.

ENTERED BY ORDER OF THE COURT


Clerk

A TRUE COPY

Attest
LEONARD GREEN, Clerk

By 
Deputy Clerk

*The Honorable Jerome Farris, United States Circuit Judge for the Ninth Circuit, sitting by designation.